Miami Dade County

Stephen P. Clark Government Center 111 N.W. 1st Street Miami, Fl. 33128



LEGISLATIVE ANALYSIS

July 27, 2004 9:30 AM Commission Chambers

Board of County Commissioners

ORDINANCE PERTAINING TO ZONING AND ENVIRONMENTAL PROTECTION; CREATING ARTICLE XI, SECTION 33-152 ET SEQ. OF THE CODE OF MIAMIDADE COUNTY, FLORIDA TO PROVIDE FOR ROCKMINING OVERLAY ZONING AREA; AUTHORIZING ROCKMINING AND ANCILLARY USES, CONTROL OF SUCH USES, AND WAIVER OF RIGHTS-OF-WAY IN OVERLAY ZONING AREA; REQUIRING APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS FOR CERTAIN ANCILLARY USES TO ROCKMINING; AMENDING SECTIONS 33-13 AND 33-314 OF THE CODE; AMENDING SECTION 24-58.9 OF THE CODE OF MIAMIDADE COUNTY, FLORIDA, RELATING TO TIME OF COMPLETION OF WORK; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Jose "Pepe" Diaz Commissioner Bruno A. Barriero Commissioner Natacha Seijas Commissioner Rebeca Sosa

I. SUMMARY

Item would authorize most rockmining activities within the lakebelt area of Miami-Dade County to occur as a matter of right-without the requirement for public hearing regarding unusual use.

II. PRESENT SITUATION

Currently, rockmining activities occurring in Miami-Dade County require a public hearing to take place. This public hearing takes place at community council meetings. Their is a cost associated with seeking an unusual use permit to conduct rockmining (including scheduling hearings, advertising in local newspapers, the actual permit, etc.) In general, the process takes at least three months.

III. POLICY CHANGE AND IMPLICATION

Changes to the current Code include:

Sec. 33-13. Unusual uses.

→ Adds language that specifically excludes lake excavation(s) that are expressly allowed in the "Rockmining Overlay Zoning Area" (ROZA) as defined in Article XI, Sec. 33-152 of the Code of Miami-Dade County.

Sec. 33-152. ROZA. Definitions.

→ Addition of definitions to provide for rock mining activities and uses ancillary to rock mining as allowable uses, include asphalt plant, cement plant, concrete batching plant or ready-mixed concrete plant, concrete block plant, prestressed and precast concrete production plant, ROZA (legal description), rock crushing and screening plant, and rockmining.

- Sec. 33-153. Districts and Locations Where Rockmining Uses are Permitted.
 - → All regulations underlying zoning districts apply within ROZA except for:
 - 1. Height restrictions (currently, 35 feet)
 - 2. Setback Regulations within ROZA all buildings, structures and equipment shall be setback a minimum of 25 feet from all property lines under different ownership, except that no setback regulation is imposed upon conveyor belts and/or the systems or equipment used for the transportation of raw materials, etc.
 - 3. Off-street parking regulations
- Sec. 33-154. Uses Permitted by this Article
 - → General rockmining and ancillary uses thereto.
- Sec. 33-155. Control of Rockmining Uses
 - → Describes the proposed administrative approval process for obtaining a rockmining certificate of use upon compliance with the terms and conditions for this activity.
- Sec. 33-156. Minimum Landscaped Open Space, Mitigation Areas and Littoral Zones.
 - → Due to the nature of the uses, these areas shall constitute compliance with the landscaped open space requirements.
- Sec. 33-157. Zoned Rights-of-Way
 - → Rights-of-way shall not be required, as long as affected properties are utilized for the uses permitted and are not needed for access to non-rockmining properties that are otherwise landlocked.
- Sec. 33-314. Direct applications and appeals to the County Commission.
 - → Amendment adding sub-section (12) Applications for uses ancillary to bona fide rockmining pursuant to Sec. 33-154(c) of this Article.
- Sec. 24-58.9. Time of Completion of Work; Extension of completion time and new permits for incomplete work
 - → Class IV short form permits for rockmining will be 10 years (currently, 5)
 - → Class IV short form permits for rockmining for which a pubic hearing has been requested pursuant to Section 24-58.2(I)(B)(1) for 10 years (currently, 5)
 - → Class IV standard form permit for rockmining for 10 years (currently, 5)

IV. ECONOMIC IMPACT

Staff estimates the impact to be minimal.

V. COMMENTS AND QUESTIONS

In the item, ROZA is given a legal description, but a map was not readily available. ROZA falls under the area that has been designated by the Florida Legislature as the "Miami-Dade County Lake Belt Area". The use that this permits is expressly related to mining industries. Currently, most of the Lakebelt area is zoned GU or Agricultural.

If adopted, applications for Rockmining will simply go to Miami-Dade County and both the Department of Environmental Resources and Management and the Department of Planning and Zoning would have to review the application and approve the application. (A similar permit process occurs today after the public hearing process approval) There would be no public hearing component. In addition, the timing for the application process for rock mining application would be significantly reduced, as it would be for the administrative component only.

The public hearing for this item occurred on April 20, 2004, at the Governmental Operations and Environment Committee. Some individuals gave their testimony in opposition of the item. Chairperson Siejas tried to address some of their concerns and asked the County Attorney to prepare a Committee Sponsored ordinance relating to permit applications to provide for public hearings on Class IV Permits and that staff explore alternatives for notifying the affected public on the pending issuance of such permits. Commissioner Martinez also noted that the public was not notified when someone applied for a permit.

The City of Doral is not in opposition of this item.

ORDINANCE CREATING AND ESTABLISHING THE GOULDS AREA MUNICIPAL ADVISORY COMMITTEE; DIRECTING STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE AREA OF GOULDS; PROVIDING WAIVER OF SECTION 2-11.37(C) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

Commissioner Dennis C. Moss

I. SUMMARY

Municipal Advisory Committees (MAC) are established by Resolution to allow residents to study the ability to incorporate. The MAC shall prepare and submit an advisory report. If the MAC is unable to complete its work in one (1) year, then an ordinance must be passed to allow for its extension.

II. PRESENT SITUATION

The Goulds Area MAC would be extended if the corresponding ordinance is passed.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

The Manager states that no Fiscal Impact will be incurred by the County from the MAC process. It should be noted that the FY 03-04 Operating Budget for Annexation and Incorporation was \$816,000 with 6 total positions. The Office of Strategic Management and Budget has an Incorporation, Annexation and Municipal Support Group which provides support to the MACs.

V. COMMENTS AND QUESTIONS

None.

RESOLUTION RATIFYING ACTIONS OF COUNTY MANAGER PURSUANT TO PROVISIONS OF ORDINANCE NO. 95-64, IN EXECUTING FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PAWA COMPLEX INT'L, INC., MIA MIDFIELD PHASE III PART C, PROJECT NO. 95087M11 AT MIAMI INTERNATIONAL AIRPORT

Aviation Department

I. SUMMARY

This proposed resolution would ratify County Manager's the execution of the First Amendment to the Professional Services Agreement (PSA) with PAWA Complex International, Inc. (PAWA) for Miami International Airport's (MIA) Midfield Phase III Part C project. This amendment increases the PSA \$300,000 (+7.0%) to provide professional services required for the consolidation of several phases of this project which resulted in a net cost savings to Miami-Dade Aviation Department (MDAD).

II. PRESENT SITUATION

The original 15-phase program was to be overseen by 1 full-time and one part-time onsite PAWA employee. Consolidation of several phases was done to expedite the project but required doubling the number of on-site PAWA employees to provide on-site inspection services.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Original amount:

\$2,852,187

Change:

\$300,000 (+7.0%)

Adjusted total:

\$3,152,187

V. COMMENTS AND QUESTIONS

None.

RESOLUTION REJECTING THE SOLE BID FOR ITB NO. MDAD 0001A, CONCEPT 2
OF THE SPECIALTY RETAIL TRANSITION PROGRAM AT MIAMI INTERNATIONAL
AIRPORT

Aviation Department

I. SUMMARY

This resolution will authorize rejection of Eddie Stephens Airport Men's Shop bid in response to the ITB for operation of a casual apparel shop under Miami International Airport's (MIA) specialty retail transition program.

II. PRESENT SITUATION

Eddie Stephens was the sole bidder in response to the ITB. However, MDAD reports that the firm did not sign the contract because of difficulties with arranging finance.

Eddie Stephens has operated at MIA for a number of years and is certified as a DBE.

III. POLICY CHANGE AND IMPLICATION

Miami-Dade Aviation Department (MDAD) will need to either separately rebid this project or fill it in conjunction with another retail program RFP/ITB.

IV. ECONOMIC IMPACT

Not modernizing the facility could reduce MIA revenues if sales and/or fees to MIA are lower than they would be under a new contract.

V. COMMENTS AND QUESTIONS

None.

RESOLUTION AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR THE METRORAIL VEHICLES REHABILITATION

Miami-Dade Transit Agency

I. SUMMARY

This item seeks approval to advertise for the procurement of a contractor to provide the Metrorail Mid-Life Rehabilitation.

II. PRESENT SITUATION

On October 9, 2003 the Board of County Commissioners approved a list of 24 Capital Improvement Items to be included into the Peoples Transportation Plan (PTP). The total funding associated with this list was \$397,220,000.

One of the items on this list was the Metrorail Mid-Life Rehabilitation estimated at \$188,830,000.

The Citizens Independent Transportation Trust (CITT) approved this list of items on July 29, 2003.

The original 136 vehicles were placed in service 20 years ago. The scheduled mid-life rehabilitation should have taken place after 15 years.

However, due to a lack of available funding the rehabilitation of these vehicles had been delayed.

On November 5, 2004 the voters of Miami-Dade County approved a .5% Transportation Surtax to be used for Transit and Transportation needs in Miami-Dade County.

III. POLICY CHANGE AND IMPLICATION

The BCC and the CITT have already approved this expenditure to be funded PTP funds.

The mid-life rehabilitation on these vehicles is required by the Federal Transit Administration (FTA) and the County's failure to address this situation may result in a negative impact on federal funds received by Miami-Dade County for transit purposes. The Federal government had in the past gone as far as to say that if the County does not commit to address the mid-life rehab in a timely manner, any funds received from the federal government for transit purposes may be earmarked specifically for the mid-life rehab of our rail system.

BCC Item 7(J)(1)(A) July 27 2004

IV. ECONOMIC IMPACT

The current estimate for the Mid-Life Rehabilitation is \$211,000,000. (This represents approximately \$1.5 million per vehicle).

The original estimate provided to and approved by the BCC in October of 2003 was \$ 1,888,830

This represents an increase to the estimate of \$22,117,000 from the amount presented to the BCC in Sept. 2003.

V. COMMENTS AND QUESTIONS

Has the \$22.1 million increase been factored into the current pro-forma as it relates to available funding for all projects contained in the PTP?

Because the County has known for over 5 years now that this service needed to be provided, why wasn't an RFP developed before?

Although a funding source was not available 5 years ago, once a source became available in November of 2002 and was approved for this use by the BCC and CITT, which occurred over 9 months ago, this project could have been started expeditiously.

RESOLUTION AUTHORIZING CONVEYANCE OF LAND TO THE L.B.W.
HOMEOWNERS' FOUNDATION OF CORAL GABLES, INC. FOR THE
DEVELOPMENT OF FOUR (4) INFILL HOUSES IN ACCORDANCE WITH FLORIDA
STATUTE 125.38; AUTHORIZING THE COUNTY MANAGER, DIRECTOR OF THE
OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT, COUNTY
ATTORNEY, AND CLERK OF THE BOARD TO TAKE THE NECESSARY ACTIONS TO
EFFECT AND SECURE THE CONVEYANCE OF SAID LAND; AND AUTHORIZING
EXECUTION OF COUNTY DEED

Office of community and Economic Development

I. SUMMARY

This item authorizes the conveyance of four residential vacant lots to L.B.W. Homeowner's Foundation of Coral Gables for the development of four single-family homes designated as the L.B.W. Infill Housing Project in accordance with Florida Statute 125.38.

II. PRESENT SITUATION

In 1992, the Board of County Commissioners approved R-124-92, granting land conveyance to the City of Coral Gables in accordance with the Coral Gables Redevelopment Plan.

III. POLICY CHANGE AND IMPLICATION

There is no policy change associated with this item.

IV. ECONOMIC IMPACT

There will be a positive impact to the County once these properties are on the tax roll.

V. COMMENTS AND QUESTIONS

- It is the intent of developer to request HOME/SURTAX dollars in addition to working with Eastern National Bank and or Fannie Mae.
- This land is located in the Historic District and the developer will be targeting low to moderate income buyers.
- In order to assist the buyers the developer is considering SURTAX 2nd mortgages.
- The total acreage is approximately 1.7 with an approximate assessed value of between 200,000 300,000 dollars.
- See attached Florida Statute 125.38.

Statutes & Constitution: View Statutes:->2003->Ch0125->Section 38: flsenate.gov

Select Year: 2003

Go

The 2003 Florida Statutes

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 125 COUNTY GOVERNMENT View Entire Chapter

125.38 Sale of county property to United States, or state.--If the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.

History.--s. 4, ch. 23829, 1947.

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RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE COUNTY MANAGER TO AWARD AN AMENDED CONTRACT BASED ON THE PREVIOUS CONTRACT WITH HORSEPOWER ELECTRIC, INC., FOR THE PROJECT ENTITLED SAFE LITE MONITORING SYSTEM PILOT PROGRAM FOR THE PUBLIC WORKS DEPARTMENT, PROJECT NUMBER 640388 AMENDED AS NEW PROJECT #20040522

Public Works Department

I. SUMMARY

This resolution authorizes the Board of County Commissioners waive competitive bidding according to requirement of Section 4.03 (D) of the Home Rule Charter and Section 2-8.1 of the County Code and authorize a new contract to Horsepower Electric, Inc.

- Implementation of a Safe Lite Monitoring System Pilot Program, July 23, 2002 by resolution R-870-02.
- On April 27, 2004, the BCC accepted a report that outlined the successes of the *pilot program*. (Financial short-term impact to the County was 200,000.00).
- On May 11, 2004, the Board requested through resolution R-619-04 to take steps to implement the Safe Lite monitoring Program Countywide. Furthermore, the resolution directed the manager's office to expand the program to high foot traffic area and perform a fiscal impact.
- Currently, the county manager's office is requesting the Board of County Commissioners waive competitive bidding, further expand the monitoring program in high pedestrian traffic areas and possibly recognize Horsepower Electric, Inc. as the "sole source provider."

II. PRESENT SITUATION

Public Works Department (PWD) along with Horsepower Electric, Inc., initiated a Pilot Program to evaluate the "Safe Lite Monitoring System." The system should improve the safety, and provide greater levels of protection to the public. A total of 40 monitoring devices consisting of One Thousand Six Hundred Ten (1,610) circuits will be installed. Furthermore, Resolution (R-619-04) approved May 11, 2004 at the Board of County Commissioners, directed the county manager's office to expand the Safe Lite monitoring Pilot Program to high foot traffic areas and perform a fiscal impact study comparing countywide installation of the system at one time, versus a phased implementation.

This is an important step for the County to prevent further electrocution of innocent bystanders on Dade-County Streets. From 1998 through 2000 at least seven people were killed by convergence of dangerous conditions inside a light poles and failures of safety cutoff switches.

III. POLICY CHANGE AND IMPLICATION

By time of printing, the Department of Procurement did not respond to the following:

Has the Department of Procurement Management (DPM) determined Horsepower Electric, Inc. to be the "sole source provider."

IV. ECONOMIC IMPACT

The cost of 40 locations consisting of the referenced 1,610 streetlights is \$800,000. Funding will come from FDOT for \$250,000 (South Dade Greenway Network Project). The remaining \$550,000 is from the FY 04-05 Operating Budget—resulting from savings generated by the (ETSD).

The total cost for the installation of the monitoring devices in the flood prone areas is \$2.8 million. The total effort will cover 140 circuits, consisting of 4,992 street lights. Funding has not been identified for the remaining 100 circuits in the flood prone areas.

V. COMMENTS AND QUESTIONS

By time of printing, staff did not clarify the following:

Under the Service Point Locations list (handwritten page seven), SW 104 Street @123 Ct indicated as District 11, illustrates there are 25 lights installed. However, the location is actually located under District 9 where there are no monitoring devices installed.

RESOLUTION AUTHORIZING THE COUNTY MANGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BELL HELICOPTER TEXTRON, INC., TO OBTAIN TWO BELL 412 EP HELICOPTERS, WAIVING THE REQUIREMENTS OF SECTION 2-8.1 OF THE MIAMI DADE COUNTY CODE PERTAINING TO COMPETITIVE BIDS BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN. ADDITIONALLY, AUTHORIZING THE COUNTY MANAGER TO ISSUE AN RFP TO OBTAIN EMS/SEARCH ANDRESCUE COMPLETION/CUSTOMIZATION **CENTER** CONFIGURATION SERVICES FOR TWO NEW AND TWO EXISTING BELL 412 HELICOPTERS, AND TO EXECUTE AN AGREEMENT WITH THE SELECTED PROPOSER FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN

Miami-Dade Fire Rescue

I. SUMMARY

This proposal authorizes:

- Bid waivers and procurement of 2 Bell 412 EP helicopters to be delivered in 2005 for Miami-Dade Fire Rescue (MDFR) at an estimated cost of \$13 million.
- RFP issuance & contract execution for upgrading of 2 existing MDFR Bell 412 helicopters at an estimated cost of \$5 million.

II. PRESENT SITUATION

Committee review was waived by the Public Safety Committee Chairperson.

MDFR presently has three rescue helicopters.

- One is 20 years old, and MDFR has determined that it is more cost effective to replace it than to continue to update and maintain it.
- The other two helicopters require upgrading to improve their capabilities and be better able serve the needs of the County; upgrades will include avionics, radios, instrumentation, and night vision capabilities.

III. POLICY CHANGE AND IMPLICATION

Purchasing two helicopters in the same procurement results a \$500,000 cost savings over buying them separately.

BCC ITEM 8(O)(1)(__) (Pending add-on) July 27, 2004

IV. ECONOMIC IMPACT

\$18 million total cost with part of the cost to be offset by proceeds to be received from sale of MDFR's existing 20 year old helicopter.

V. COMMENTS AND QUESTIONS

This analysis was prepared in anticipation of the item being approved as an add-on item to the July 27, 2004 BCC agenda.

RESOLUTION RELATING TO PERFORMING ARTS CENTER, APPROVING CHANGE ORDER NO. 69 TO CONTRACT BETWEEN PERFORMING ARTS CENTER BUILDERS AND MIAMI-DADE COUNTY, AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER [SEE AGENDA ITEM NOS. 11A5, 11A6, 11A7, 11A8, 11A9, 11A10, 11B1 AND 11B2]

County Manager

I. SUMMARY

There are nine items relating the Performing Art Center before the Board for consideration. Item 11B1 is a Chronology and Highlighted Decision. Item 11B2 is a Manager's Report on the Realignment of the PAC and a summary of the seven action items before the Board.

II. PRESENT SITUATION

The PAC is over 600 days behind schedule and an infusion of \$67.7M in Convention Development Tax Dollars is recommended by the Manger to complete the project by August 2006.

III. POLICY CHANGE AND IMPLICATION

In June the Manager presented the Boar with several options as it related to the PAC, those options ranged from terminating all contracts and basically starting over to the option which he is recommending of negotiating settlement of past disputes and negotiating into the future.

IV. ECONOMIC IMPACT

The Economic Impact of items before the Board today will include an infusion of CDT dollars in the amount of \$67.7 million.

11A4	PAC Change Order 69 with PACB \$2.925M from settlement by Dispute Resolution Board 12/2003.
11A5	 PAC Change Order 73 with PACB makes contract an Agency Construction Management from the original "At-Risk" contract.
11A6	PAC Amendment 4 with Cesar Pelli & Associates (CP&A) \$14.5M through completion.
11A7	PAC Amendment 4 with Artec Professional Services \$600K through 9 mo after completion.
11A8	• PAC Amendment 5 with Jules Fisher/Joshua Dachs Professional Services \$560K through 9 mo after completion.
11A9	 PAC Amendment 1 to URS Consulting Services' Agreement \$2.3 M Retroactive from 3/04 to 12/04

BCC ITEM 11(A)4 through 11(B)2 July 13, 2004

11A10	 This contract was not until completion to allow the County follow the procurement process. PAC Amendment 4 to Operating Management Agreement with PAC Trust & Amendment 4 to the Cooperative Agreement b/w the PAC Foundation and the PAC Trust for a 2 year extension
11B1	PAC Chronology Report
11B2	PAC Realignment Report 11A4-11A10

V. COMMENTS AND QUESTIONS

- The Manager suggests that there is enough blame to go around to all parties involved, including the County.
- The estimated cost of terminating all contracts is anticipated to exceed \$100 million.